

**IN THE UNITED STATES DISTRICT COURT FOR THE  
WESTERN DISTRICT OF MISSOURI  
WESTERN DIVISION**

SHEILA R. GRAY,	)	
	)	
Plaintiff,	)	
	)	
v.	)	No. 00-0843-CV-W-DW-SSA
	)	
KENNETH APFEL,	)	
Commissioner of Social	)	
Security,	)	
	)	
Defendant.	)	

**FINAL JUDGMENT**

Before the Court is Defendant's Motion to Reverse and Remand with Suggestion in Support. (Doc. 33). The Court grants the Commissioner's request to reverse the decision of the Administrative Law Judge (ALJ) and remand this action to Defendant pursuant to sentence four of section 205(g), 42 U.S.C. § 405(g). Accordingly, the Appeals Council is ordered to direct the ALJ to recontact Plaintiff's treating physician. The ALJ will further be directed to address the testimony of the medical expert regarding whether Plaintiff's lung disease meets or equals the criteria of a listed impairment, properly determine Plaintiff's residual functional capacity and include limitations that agree with the findings made through the psychiatric technique outlined in 20 C.F.R. § 416.920a(c), and discuss Plaintiff's work activity in 2001 and 2002. The ALJ will also be reminded that the final determination on the January 1997 application has been reopened and consideration of that claim period shall be included in his/her discussion.

The Appeals Council is further ORDERED to assign this case to a different ALJ than the one who issued the 2003 and 2004 decisions. This case has had a long history and has been the

subject of many remands. The Court remands this case out of deference to the ALJ and expects that this case will be given a careful and thorough examination upon remand.

The Court enters a final judgment in this case pursuant to Federal Rule of Civil Procedure 58; the above-styled case is reversed and remanded. Brown v. Barnhart, 282 F.3d 580 (8th Cir. 2002).

IT IS SO ORDERED.

Date: December 5, 2006

/s/ DEAN WHIPPLE  
Dean Whipple  
United States District Court